

# **CITY OF SAN DIEGO COUNCIL DOCKET**



## **COUNCIL PRESIDENT**

**Sherri Lightner • First District**

## **COUNCIL PRESIDENT PRO TEM**

**Marti Emerald • Ninth District**

## **COUNCIL MEMBERS**

**Lorie Zapf • Second District**

**Todd Gloria • Third District**

**Myrtle Cole • Fourth District**

**Mark Kersey • Fifth District**

**Chris Cate • Sixth District**

**Scott Sherman • Seventh District**

**David Alvarez • Eighth District**

**Andrea Tevlin  
Independent  
Budget Analyst**

**Jan Goldsmith  
City Attorney**

**Liz Maland  
City Clerk**

**Council Chambers, 12<sup>th</sup> Floor, City Administration Building**

**Tuesday, July 26, 2016**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JULY 26, 2016, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

**NOTE: The public portion of the meeting will begin at 9:00 a.m. for public comment on Closed Session items. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

05/30/2016 - Adjourned  
05/31/2016 - Adjourned

**ADOPTION AGENDA, CONSENT ITEMS**

The Consent items listed are considered to be routine, and the environmental documents have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak from prior to the start of the meeting.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES TO BE INTRODUCED:**

\* ITEM-50: Extension of BondEdge Solutions Contract and Approval of Amendment No. 2.

**ITEM DESCRIPTION:**

This item is to approve the extension of the City Treasurer's Contract with BondEdge Solutions for an additional four (4) years beginning August 5, 2016, in compliance with City Charter Section 99, including approval of Amendment No. 2.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-157)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, Amendment No. 2 to the Contract with BondEdge for the purpose of extending the term of the Contract and providing a not-to-exceed amount of \$350,000 for the extension term, under the terms and conditions set forth in the Contract;

Authorizing the Chief Financial Officer to expend funds in an amount not to exceed a total of \$350,000 for Amendment No. 2 to the Contract, contingent upon authorization of the respective Fiscal Year Budget and provided that the Chief Financial Officer certifies that funds are available for this purpose.

**NOTE: 6 votes required pursuant to Section 99 of the City Charter.**

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The amount requested shall not exceed \$350,000 over the four-year duration of the Contract.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Budget and Government Efficiency Committee meeting on June 22, 2016.

ACTION: Motion by Councilmember Cate, second by Councilmember Sherman, to recommend Council introduce the ordinance.

VOTE: 4-0; Gloria-yea, Cole-yea, Cate-yea, Sherman-yea.

Granewich/Lewis

Primary Contact\Phone: Kent Morris\619-533-6253, MS 51V

Secondary Contact\Phone: Tricy Dienst\619-533-6257, MS 51V

City Attorney Contact: So, Kenneth

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

- \* ITEM-51: Ordinance of the San Diego City Council approving the Amended and Restated Memorandum of Understanding Between the City of San Diego and Local 145, International Association of Fire Fighters (Local 145), regarding Post-Employment Health Benefits.

**ITEM DESCRIPTION:**

Ordinance of the San Diego City Council approving the Amended and Restated Memorandum of Understanding (MOU) between the City of San Diego (City) and Local 145, International Association of Fire Fighters (Local 145), regarding Post-Employment Health Benefits.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/28/2016, Item 330. (Council voted 8-0. Councilmember Alvarez-not present):

(O-2016-153)

Approving and ratifying the Amended and Restated 15-Year Memorandum of Understanding (MOU) between the City of San Diego (City) and Local 145, International Association of Firefighters (Local 145), regarding Post-Employment Health Benefits.

**NOTE: 6 votes required pursuant to Charter Section 99 and Charter Section 11.2.**

- \* ITEM-52: Amendment to the Emergency Water Regulations: San Diego Municipal Code Section 67.38 and implement Drought Response Level 1 (Drought Watch).  
(Citywide.)

**ITEM DESCRIPTION:**

On May 9, 2016, Governor Brown issued Executive Order B-37-16, directing actions aimed at using water wisely, reducing water waste, and improving water use efficiency. The Executive Order authorized the restriction of wasteful practices in place since April 2015 to be permanently prohibited in California. This item recommends that San Diego Municipal Code 67.3803 be updated to include the new State requirements, and that the City implement Drought Response Level 1 - Drought Watch. This level promotes voluntary water conservation measures on top of permanent water restrictions specified in San Diego Municipal Code 67.3803.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/12/2016, Item S500, Subitem A. (Council voted 9-0.):

(O-2017-1)

Amending Chapter 6, Article 7, Division 38, of the San Diego Municipal Code by amending Sections 67.3802, 67.3803, and 67.3805, all relating to Emergency Water Regulations.

- \* ITEM-53: First Amendment to Agreement with CCBG Architects, Inc. (Design/ Professional Services) for Fire Station No.17, in City Heights Area. (City Heights Community Area. District 9.)

**ITEM DESCRIPTION:**

This action is to approve the First Amendment to Agreement with CCBG Architect Inc., for the Fire Station No. 17 Project. This Amendment will add funds to cover those unanticipated costs associated with increases to the project scope in the amount of \$140,000. It will extend the Agreement an additional 5 years.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/12/2016, Item 58. (Council voted 9-0.):

(O-2016-115)

Authorizing the Mayor, or his designee, to execute, on behalf of the City, the First Amendment to the Agreement with CCBG Architects, Inc., for the purpose of providing additional professional Architectural Services on the Fire Station No. 17 Project in an amount not to exceed \$140,000, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasury, under the terms and conditions set forth in the First Amendment;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$140,000 from CIP S-00783, Fire Station No. 17, Fund No. 400859 LSE REV BND 2015A-CP, for the purpose of executing this First Amendment.

**NOTE: 6 votes required pursuant to Section 99 of the City Charter.**

\* ITEM-54: Transfer of Non-Exclusive Solid Waste Collection Franchise.

**ITEM DESCRIPTION:**

Transfer and assignment of the Daily Disposal Services, Inc., Non-Exclusive Solid Waste Collection Franchise for Solid Waste Management Services to EDCO Disposal Corporation.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/12/2016, Item 59. (Council voted 8-0. Councilmember Zapf-not present):

(O-2016-161)

Approving the transfer of the Class I Non-Exclusive Franchise for Solid Waste Management Services from Daily Disposal Services, Inc., to EDCO Disposal Corporation;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a consent to the assignment of the franchise and the Franchise Agreement, as set forth in the Consent to Assignment of Class I Non-Exclusive Franchise Agreement for Solid Waste Management Services.

**NOTE: 6 votes required pursuant to Section 103 of the City Charter.**



- \* ITEM-55: First Amendment to Agreement with Rob Wellington Quigley, FAIA (Design/ Professional Services) for Fire Station No. 5 Project, in Hillcrest Area. (Hillcrest Community Area. District 3.)

**ITEM DESCRIPTION:**

This action is to approve the First Amendment to the Agreement with Rob Wellington Quigley, FAIA for the Fire Station No. 5 Project. This Amendment will add funds to cover those unanticipated costs associated with increases to the project scope in the amount of \$220,000. It will extend the agreement an additional 5 years.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/12/2016, Item 60. (Council voted 9-0.):

(O-2016-117)

Authorizing the Mayor, or his designee, to execute, on behalf of the City, the First Amendment to the Agreement with Rob Wellington Quigley, FAIA for the purpose of providing additional professional Architectural Service on the Fire Station No. 5 Project in an amount not to exceed \$220,000, contingent upon the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasury, under the terms and conditions set forth in the First Amendment;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$220,000 from CIP S-00788, Fire Station No. 5, Fund No. 400859 LSE REV BND 2015A-CP, for the purpose of executing this First Amendment to the Agreement.

**NOTE: 6 votes required pursuant to Section 99 of the City Charter.**

- \* ITEM-56: Cooperative Water Resources Program between the City of San Diego and the United States Geological Survey (USGS) for 5 years; Joint Funding Agreement (JFA) 17WSCA03200. (Citywide.)

**ITEM DESCRIPTION:**

Cooperative Water Resources Program between the City of San Diego and the United States Geological Survey (USGS) for the five (5) year period of November 1, 2016, to October 31, 2021.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/12/2016, Item 61, Subitem A. (Council voted 8-0. Councilmember Zapf-not present):

(O-2016-136)

Authorizing the Mayor, or his designee, to execute a new Joint Funding Agreement (JFA) with the United States Geological Survey (USGS) for the Cooperative Water Resources Program in an amount not to exceed \$961,350 for the duration of five years;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$961,350 from Water Utility Operating Fund 700011 for the purpose of funding the Joint Funding Agreement with USGS, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

\* ITEM-57: Housing Related Amendments to the Land Development Code and the City's Local Coastal Program. (Citywide.)

**ITEM DESCRIPTION:**

The project proposes to address two housing related issues. First it addresses compliance with the Cedillo Bill (SB-2) which requires California cities to designate one or more zones to allow year-round emergency homeless shelters ministerially. Second, it creates a new use, “continuing care retirement community” (CCRC) to provide regulations that accurately reflect the multi functional development and demands of CCRCs.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/12/2016, Item 332. (Council voted 8-1. Councilmember Zapf-nay):

(O-2016-121)

Amending Chapter 12, Article 6, Division 3 of the San Diego Municipal Code by amending Section 126.0303; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 3 by amending Section 131.0322; amending Chapter 13, Article 1, Division 4 by amending Sections 131.0422, 131.0431, and 131.0448; amending Chapter 13, Article 1, Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 14, Article 1, Division 3 by adding New Section 141.0303, and by renumbering Sections 141.0303, 141.0304, 141.0305, and 141.0306; amending Chapter 14, Article 1, Division 4 by amending Section 141.0412; amending Chapter 14, Article 2, Division 5 by amending Section 142.0525; amending Chapter 15, Article 5, Division 2 by amending Section 155.0238; amending Chapter 15, Article 6, Division 3 by amending Section 156.0308; and amending Chapter 15, Article 19, Appendix A, all relating to housing.

- \* ITEM-58: Approval to ratify the Promise Zone Designation Agreement with the Department of Housing and Urban Development and approve the ordinance for the 10 year designation awarded to San Diego. (Nineteen census tracts within Council Districts 3, 4, 8, and 9 that include Downtown, City Heights, Southeastern San Diego, Encanto, Barrio Logan and Logan Heights Community Areas. (Districts 3, 4, 8, and 9.)

**ITEM DESCRIPTION:**

Ratify the Designation Agreement for the Promise Zone designation with the Department of Housing and Urban Development (HUD) that was awarded to San Diego on June 6, 2016, and approve the ordinance to accept the designation for a period of 10 years.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/12/2016, Item S501. (Council voted 8-0. Councilmember Zapf-not present):

(O-2017-4)

Approving and ratifying the Mayor's application for the Promise Zone designation and any necessary actions to secure the Promise Zone designation;

Approving and ratifying the Promise Zone Designation Agreement with the City of San Diego serving as the Lead Organization, signed by the Mayor on June 17, 2016, under the terms and conditions set forth in the Promise Zone Designation Agreement, upon receipt of a fully executed document from Department of Housing and Urban Development (HUD).

**NOTE: 6 votes required pursuant to Section 99 of the City Charter.**

- \* ITEM-59: Consideration of an Ordinance Amending Chapter 3, Article 9, Division 1 of the San Diego Municipal Code, relating to the Earned Sick Leave and Minimum Wage to be Provided to Employees Working in the City of San Diego. (Citywide.)

**ITEM DESCRIPTION:**

Section 39.0112 of the “City of San Diego Earned Sick Leave and Minimum Wage Ordinance” requires the City Council to consider an implementing ordinance, to designate the Enforcement Office and to establish a system to receive and adjudicate complaints and to order relief in cases of violations. This action is to approve the Earned Sick Leave and Minimum Wage implementing ordinance.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced as amended by interlineation on 7/11/2016, Item S400. (Council voted 9-0): (Rev. 7/26/16)

(O-2017-2 Rev. Cor. Copy 2)

Amending Chapter 3, Article 9, Division 1, of the San Diego Municipal Code by amending Sections 39.0104, 39.0105, 39.0107, 39.0108, 39.0109, and 39.0111; by retitling and amending Section 39.0112; by adding new Section 39.0113; by renumbering old Section 39.0113 to Section 39.0114; by renumbering old Section 39.0114 to Section 39.0115; and renumbering old Section 39.0115 to new Section 39.0116, related to the Earned Sick Leave and Minimum Wage to be provided to employees working in the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-100: Master Agreement with the California Department of Transportation (Caltrans) for administering Federal-Aid funded transportation projects.

**ITEM DESCRIPTION:**

Authorize execution of a Master Agreement with Caltrans for administering Federal-Aid funded transportation projects. This Master Agreement will provide a reimbursable contract with Caltrans to pay funds to the City for expenses on Federal-Aid highway projects administered by the Federal Highway Administration (FHWA).

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-17)

Authorizing the Mayor, or his designee, to execute the Master Agreement with the California Department of Transportation (Caltrans) for Administering Federal-Aid funded transportation projects.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There is no fiscal action with this item.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Resolution R-302549, adopted on April 24, 2007, was the Federal Master Agreement.

This item was heard at the Smart Growth and Land Use Committee meeting on June 29, 2016.

**ACTION:** Motion by Councilmember Sherman, second by Councilmember Gloria, to recommend Council adopt the resolution.

**VOTE:** 3-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-not present.

McFadden/Gomez

Primary Contact\Phone: Hasan Yousef\533-3012, MS 608

Secondary Contact\Phone: Sabrina Carnell\533-3063, MS 609

City Attorney Contact: Gerrity, Ryan P.

- \* ITEM-101: Georgia Street Bridge Improvements - Accept Federal Funds and Award a Consultant Agreement with T.Y. Lin International. (Uptown and Greater North Park Community Areas. District 3.)

**ITEM DESCRIPTION:**

This item is to award and expend \$599,833 for the Consultant Agreement with T.Y. Lin International for construction management of Georgia Street Bridge Improvement Project and to authorize the acceptance of additional federal funds in the amount up to \$1,010,537 for the Georgia Street Bridge Improvements Project.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-14)

Authorizing the Mayor, or his designee, to execute a Consultant Agreement with T.Y. Lin International for Construction Management Services for CIP S-00863, Georgia Street Bridge Improvements Project in an amount not to exceed \$599,833;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$599,833 from CIP S-00863, Georgia Street Bridge Improvement Project, Fund 600000, Federal Grant No. 1000502-2015 HBRR - Georgia Street Bridge, for the purpose of executing this Agreement with T.Y. Lin International for Construction Management Services;

Authorizing the Chief Financial Officer to accept a Program Supplement Agreement from Caltrans and to take all necessary actions to secure funding in an amount not to exceed \$1,010,537 in Fund 600000, Federal Grant No. 1000502-2015 for the Georgia Street Bridge Improvements;

Authorizing the Chief Financial Officer to increase the Fiscal Year 2016 Capital Improvements Program Budget in CIP S-00863, Georgia Street Bridge Improvements, and to appropriate and expend an amount not to exceed \$1,010,537, Fund 600000, Federal Grant No. 1000502-2015, for the purpose of construction, contingent upon the receipt of a fully executed Grant Agreement.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City previously received \$11,042,240 of federal funds for the completion of preliminary engineering and construction. These actions will authorize the acceptance, appropriation and expenditure of additional federal funds in the amount of \$1,010,537 for CIP S-00863, Fund 600000, Georgia Street Bridge Improvements.

The total cost of T.Y. Lin International's services will not exceed \$599,833. Funding for this Consultant Agreement will come from the following: \$599,833 from Federal Grant No. 1000502-2015 for the Georgia Street Bridge Improvements. The City Council authorized the acceptance of the funding (R-309525) on March 11, 2015. T.Y. Lin International was previously awarded a consultant contract for another CIP Project for \$672,510. Therefore, this consultant contract requires City Council approval since cumulatively it would exceed the \$1,000,000 threshold for a single consultant in the same fiscal year.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

R-285241, adopted January 23, 1995, Funding and Consultant Agreement with Libby Engineers, amended by Manager's Action May 24, 2002;

R-301546, adopted June 22, 2006, Additional Federal funding and Environmental Consultant Agreement;

R-304379, adopted November 18, 2008, Consultant Agreement with Simon Wong Engineering;

R-306907, adopted July 7, 2011, Accepting additional Federal funding in the amount of \$938,240;

R-307084, adopted November 9, 2011, First Amendment to the Consultant Agreement with Simon Wong Engineering;

O-20300, adopted October 8, 2013, Second Amendment to the Consultant Agreement with Simon Wong Engineering and accepting additional Federal Funding in the amount of \$200,000;

R-309525, adopted March 11, 2015, Accept and Expend \$9,500,000 of federal funds for the Georgia Street Bridge Improvement Project.

This item was heard at the Infrastructure Committee meeting on June 30, 2016.

**ACTION:** Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council adopt the resolutions and approve the agreement.

**VOTE:** 4-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-yea.

Gibson/Gomez

Primary Contact\Phone: Brad Johnson\619-533-5120, MS 908A

Secondary Contact\Phone: Akram Bassyouni\619-533-3616, MS 908A

City Attorney Contact: Gerrity, Ryan P.



- \* ITEM-102: As-Needed Architectural Services Agreement with Platt/Whitelaw Architects.  
(Citywide.)

**ITEM DESCRIPTION:**

Award a contract for As-Needed Architectural Services Agreement to Platt/Whitelaw Architects for an amount not to exceed \$3,000,000 and a maximum duration of five years. This Agreement will provide architectural services for various Capital Improvement Projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-3)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Platt/Whitelaw Architects Inc. to provide As-Needed Architectural Design Services to the City in an amount not to exceed \$3,000,000, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$3,000,000 over a period of five years for the purpose of funding the As-Needed Architectural Design Services Agreement with Platt/Whitelaw Architects Inc., contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,000 from Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program, solely and exclusively, to provide funds for the minimum guaranteed task order amount under the above Agreement.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a task order(s) with the minimum aggregate value of \$1,000 to Platt/Whitelaw Architects. Funding for the minimum contract amount of \$1,000 is available in Fund 200218, Underground Surcharge - CIP, WBS No. A-ID.00001, Utilities Undergrounding Program, which has been identified as a placeholder for the minimum guaranteed amount. The \$1,000 encumbrance will be released upon the issuance of a task or tasks totaling \$1,000. Funding for future tasks will be provided by the CIP Projects requiring these services. The maximum contract amount shall not exceed \$3,000,000.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Infrastructure Committee meeting on June 30, 2016.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council adopt the resolutions and approve the agreement.

VOTE: 4-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-yea.

Gibson/Gomez

Primary Contact\Phone: Richard Leja\619-533-3112

Secondary Contact\Phone: Jim Shamloufard\619-533-3160

City Attorney Contact: Rae, Christina L.

- \* ITEM-103: Park Boulevard At-Grade Crossing (Park Boulevard and Harbor Drive) - Professional Services Agreement with Jacobs Engineering. (East Village Neighborhood of the Downtown Community Plan Area. District 3.)

**ITEM DESCRIPTION:**

Professional Services Agreement for the Park Boulevard At-Grade Crossing (Park Boulevard and Harbor Drive).

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-761)

Authorizing Civic San Diego to enter into the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$368,873 from CIP S-15045, Park Boulevard At-Grade Crossing, including \$52,894.81 from Fund 400332 and \$315,978.19 from Fund 400369, solely and exclusively, for the Agreement, contingent upon the Chief Financial Officer furnishing a certificate certifying that all funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will authorize to execute an Agreement with Jacobs Engineering for \$368,873 for the Project using Fund 400332 in the amount of \$52,894.81 and Fund 400369 in the amount of \$315,978.19 in CIP S-15045.

The funds for these Projects are excess bond proceeds and have since been transferred from the Successor Agency to the City pursuant to a Bond Expenditure Agreement between the Successor Agency and City, which was approved by the Oversight Board and the California Department of Finance.

To use the bond funds through the City and administer the Projects, CIP's were created and CIP Budgets were established. Funds in the amount of \$13,998,000 are available through excess redevelopment bond proceeds. The budget is sufficient to support the proposed contract amount of \$368,873.

Funding in the Capital Improvement Program Projects (CIP) S-15045 is available for the Park Boulevard At-Grade Crossing Project, and \$368,873 is available for the construction administration services.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

In August 2015, the City Council approved the Project for construction. The Project is a result of a recommendation by the California Public Utilities Commission (CPUC) to adjust and develop a roadway crossing at this intersection.

Jarrett/Graham

Primary Contact\Phone: Robert Sutherlin, Jr.\619-533-7107  
City Attorney Contact: Slegers, Nathan

- \* ITEM-104: California Department of Resources Recycling and Recovery (CalRecycle) Beverage Container Recycling Grant Funding for Fiscal Years 2017-2021. (Mission Bay Park, Linda Vista, Clairemont Mesa, and University City Community Areas. Districts 1, 2, and 6.)

**ITEM DESCRIPTION:**

Authorize the City to apply for and receive Beverage Container Recycling Grant funds from Resources Recycling and Recovery (CalRecycle) for beverage container recycling activities for Fiscal Year 2017, through and including Fiscal Year 2021.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2017-21)

Authorizing the Mayor, or his designee, to submit applications to Resources Recycling and Recovery (CalRecycle) for Beverage Container Recycling Grants, for Fiscal Year 2016/2017, through and including, Fiscal Year 2020/2021, to receive funds for implementing and/or enhancing the City of San Diego's recycling programs;

Authorizing the Mayor, or his designee, to negotiate and execute, for and on behalf of the City, all grant documents, including but not limited to: applications, agreements, amendments, and requests for payment, which are necessary to secure grant funds from CalRecycle and implement the approved grant project, for Fiscal Year 2016/2017, through and including, Fiscal Year 2020/2021;

Authorizing the Chief Financial Officer to accept awarded CalRecycle Beverage Container Recycling Grant funds, contingent upon securing the awarded funds and notice of award;

Authorizing the Chief Financial Officer to appropriate and expend the awarded funds, solely and exclusively, for the City of San Diego's beverage container recycling activities in accordance with the CalRecycle Beverage Container Recycling Grant, contingent upon securing the awarded funds and notice of award;

Authorizing the City Financial Officer to establish a separate fund to track expenditures and receive grant-related reimbursements for eligible expenditures.

Subitem-B: (R-2017-20)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308;

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Environmental Services Department (ESD) is eligible to apply for \$250,000 each fiscal year in CalRecycle beverage container grant funding. No matching City funds are required for the City's participation in the Beverage Container Recycling Grant Program (BCRGP). Funds will be tracked in a separate fund and can only be used for eligible activities that support the goals of CalRecycle's beverage container recycling program. There is no requirement to continue grant-funded activities or expenditures after grant funds are depleted or terminated, and no additional positions will be requested in grant applications.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** N/A

Sierra/LoMedico

Primary Contact\Phone: Angela Colton\858-573-1287, MS 1103B

Secondary Contact\Phone: Chelsea Klaseus\858-492-5087, MS 1103B

City Attorney Contact: Guy, Amanda L.

- \* ITEM-105: California Volunteers Grant funding for the Promise Zone AmeriCorps VISTA (Volunteers in Service to America) members. (The San Diego Promise Zone boundaries include 19 census tracks in Downtown, City Heights, Southeastern San Diego, Encanto, Barrio Logan, and Logan Heights Community Areas. Districts 3, 4, 8, and 9.)

**ITEM DESCRIPTION:**

This action is to apply for, accept, appropriate and expend up to \$75,000 in Grant Funding from California Volunteers. The Grant will be used to provide training and technical assistance to help fully develop plans for making the best use of AmeriCorps VISTA (Volunteers in Service to America) resources.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-34)

Authorizing the Mayor to submit an application to California Volunteers for a California Volunteers Planning Grant and to submit all documents, negotiate and execute all agreements necessary to comply with grant requirements, and carry out and administer all obligations, responsibilities and duties under the Grant;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to \$75,000 in Grant Funds from California Volunteers for the California Volunteers Planning Grant contingent upon a fully executed Grant Agreement following Council's ratification and approval of the San Diego Promise Zone (SDPZ) Designation Agreement, provided that the Chief Financial Officer first furnish one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This Grant is reimbursable, up to \$75,000, with an in-kind City match valued at \$32,336 for staffing.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Ratification of the Promise Zone Designation Agreement and approval of an Ordinance to accept the 10 year designation was presented to Council on July 12, 2016. A Promise Zone Informational Report was given to the Economic Development and Intergovernmental Relations Committee on July 14, 2016.

Collura/LoMedico

Primary Contact\Phone: Katherine Crow\619-533-3837

City Attorney Contact: Morrison, Catherine C.



\* ITEM-106: Settlement of personal injury claims of Connie Campbell, Risk Management File No. 7531.

**ITEM DESCRIPTION:**

This is a complaint for personal injuries suffered by Plaintiff as the result of a bicycle accident. The proposed settlement would resolve all claims brought by Connie Campbell.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-13)

Authorizing the Mayor, or his designee, to pay the sum of \$69,975 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury claim of *Conni Campbell v. City of San Diego, et al.*, United States District Court for the Southern District of California Case No. 14cv2359 GPC (RBB);

Authorizing the Chief Financial Officer to appropriate and expend \$69,975 from the Public Liability Fund, Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue one check, in the amount of \$69,975, made payable to James S. Iagmin, APC Client Trust Account and Conni Campbell.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$69,975 will be paid from the Public Liability Fund, Fund No. 720045.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

The item was approved in Closed Session on June 21, 2016.

Bamberg

Primary Contact\City Attorney Contact\Phone: Jane M. Boardman\619-533-5899  
Secondary Contact\Phone: Anna Lonergan\619-533-5838

\* ITEM-107: Appointments to the Independent Rates Oversight Committee.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-751)

Council confirmation of the following appointments by the Mayor of the City of San Diego, to serve as members of the Independent Rates Oversight Committee, for the terms ending as indicated:

<b><u>NAME</u></b>	<b><u>CATEGORY</u></b>	<b><u>TERM ENDING</u></b>
Frederick Kosmo (Point Loma, District 2) (Filling the vacant seat previously held by Noam Glick, who resigned)	Law Professional Representative	May 1, 2019
David Akin (Bay Ho, District 2) (Filling the seat previously held by Irene Stallard-Rodriguez, who is termed out)	Single-Family Residential Ratepayer Representative	May 1, 2019
Luis Osuna (Golden Hill, District 3) (Filling the vacant seat previously held by Donald Billings, who resigned)	General Representative	May 1, 2019
Linh Quach (Bonita) (Filling the seat previously held by Gail Welch, who is termed out)	Commercial and Industrial Ratepayer Representative	May 1, 2019

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Linh Quach is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Committee, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

**PROCLAMATIONS/CEREMONIAL ITEMS**

**NOTE:** The following Proclamations will be presented in Council Chambers and approved by Unanimous Consent unless pulled for discussion.

ITEM-30: 40th Anniversary of the Educational Cultural Complex Day.

**PRESENTED BY COUNCILMEMBER COLE AND COUNCILMEMBER ALVAREZ:**

Proclaiming July 26, 2016, to be "40th Anniversary of the Educational Cultural Complex Day" in the City of San Diego.

ITEM-31: Mariachi Scholarship Foundation Day.

**PRESENTED BY COUNCILMEMBER ALVAREZ:**

Proclaiming July 26, 2016, to be "Mariachi Scholarship Foundation Day" in the City of San Diego.

**NOTE:** The following Proclamation will NOT be presented in Council Chambers. It will be approved by Unanimous Consent unless pulled for discussion.

ITEM-32: Walden Family Services Day.

**COUNCILMEMBER CATE 'S AND COUNCILMEMBER SHERMAN'S  
RECOMMENDATION:**

Proclaiming July 28, 2016, to be "Walden Family Services Day" in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

None.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than 15 Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to speakers who have not addressed the legislative body during "Non-Agenda Public Comment" at the last regularly scheduled Council meeting.

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUESTS FOR CONTINUANCE**

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**RESOLUTIONS:**

**This item may be taken in the morning session if time permits.**

ITEM-330: Annual Special Tax Levy - Community Facilities Districts No. 1, No. 2, No. 3, and No. 4. (Peninsula, Miramar Ranch North, and Black Mountain Ranch Community Areas. Districts 2 and 5.)

**ITEM DESCRIPTION:**

Approval of the Fiscal Year 2016-2017, Special Tax Levies for Community Facilities District No. 1 (Miramar Ranch North), Community Facilities District No. 2 (Santaluz) Improvement Area No. 1, No. 3, and No. 4, Community Facilities District No. 3 (Liberty Station), and Community Facilities District No. 4 (Black Mountain Ranch Villages) to provide for the collection of special taxes to pay for annual debt service on outstanding bonds issued by the districts and the districts' administration costs.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2017-24)

Declaring that, in accordance with the Act and the Ordinance, there is hereby levied upon the parcels of land within the City's Community Facilities District (CFD) No. 1, the special taxes for Fiscal Year 2017 at the tax rates set forth in the Rate and Method of Apportionment of Special Taxes, including as reflected in the report entitled "Administration Report, Fiscal Year 2016-2017, Community Facilities District No. 1 (Miramar Ranch North)".

Subitem-B: (R-2017-25)

Declaring that, in accordance with the Act and the Authorizing Documents, there is hereby levied upon the parcels of land within each of Improvement Area No. 1, Improvement Area No. 3, and Improvement Area No. 4 of CFD No. 2, the special taxes for Fiscal Year 2017 at the tax rates set forth in the Rate and Method of Apportionment of Special Taxes, including as reflected in the reports entitled "Administration Report Fiscal Year 2016-2017, Community Facilities District No. 2 (Santaluz) Improvement Area No. 1", "Administration Report Fiscal Year 2016-2017, Community Facilities District No. 2 (Santaluz) Improvement Area No. 3", and "Administration Report Fiscal Year 2016-2017, Community Facilities District No. 2 (Santaluz) Improvement Area No. 4".

**Subitem-C: (R-2017-26)**

Declaring that, in accordance with the Act and the Ordinance, there is hereby levied upon the parcels of land within each of Improvement Area No. 1 and Improvement Area No. 2 of CFD No. 3, the special taxes for Fiscal Year 2017 at the tax rates set forth in the Rate and Method of Apportionment of Special Taxes, including as reflected in the report entitled "Administration Report, Fiscal Year 2016- 2017, Community Facilities District No. 3 (Liberty Station) Improvement Areas Nos. 1 and 2".

**Subitem-D: (R-2017-27)**

Declaring that, in accordance with the Act and the Ordinance, there is hereby levied upon the parcels of land within CFD No. 4, the special taxes for Fiscal Year 2017 at the tax rates set forth in the Rate and Method of Apportionment of Special Taxes, including as reflected in the report entitled "Administration Report, Fiscal Year 2016-2017, Community Facilities District No. 4 (Black Mountain Ranch Villages)".

**STAFF SUPPORTING INFORMATION:****FISCAL CONSIDERATIONS:**

Approving the Fiscal Year 2016-2017, Special Tax Levies would authorize the collection of special taxes on the County's property tax roll, pursuant to the Rate and Method of Apportionment (RMA) of each respective Community Facilities District (CFD), to pay for: 1) debt service on outstanding bonds; and 2) administrative costs incurred by the districts, including costs of City staff, designated consultants, and trustees administering the CFDs. The special taxes for the CFDs are designated primarily to make debt service payments on each of the CFD Special Tax Bonds. If this action is not approved, there would not be sufficient funds available to meet the annual debt service obligations related to the CFDs, and the CFDs would not be in compliance with the legal bond covenants to levy sufficient special taxes to meet the debt service on the bonds.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Each year since inception of the CFDs, the Special Tax Levies have been presented to the City Council for approval, in accordance with the Mello-Roos Community Facilities Act of 1982.

Special taxes were first levied within each of the CFDs as follows:

CFD No. 1 (Fiscal Year 1993); CFD No. 2 - Improvement Areas No. 1 and 3 (Fiscal Year 2002); Improvement Area No. 4 (Fiscal Year 2004); CFD No. 3 (Fiscal Year 2004); and CFD No. 4 (Fiscal Year 2004).

Kommi/Lewis

Primary Contact\Phone: Elizabeth Kelly\619-236-6932, MS 7B  
Secondary Contact\Phone: Chuck Wilcox\619-533-4519, MS 7B  
City Attorney Contact: Will, Brant C.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

**The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-331: Meadowood II, Project No. 432080. (Pacific Highlands Ranch Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

Approval of all actions necessary for the development of a 21 lot subdivision for the construction of 16 single-family residential dwelling units and two duplexes that contain four affordable housing condominium units on a vacant 5.72-acre site located at 13855 Rancho Santa Fe Farms Road in the Pacific Highlands Ranch Subarea Plan.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2017-4)

Adoption of a Resolution adopting findings with respect to the Meadowood II project in compliance with the California Environmental Quality Act of 1970 (CEQA) (California Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the findings reflect the independent judgment of the City of San Diego as Lead Agency, and that the information contained in Master Environmental Impact Report (MEIR) No. 96-7918 / SCH No. 97111077, the Findings to Environmental Impact Report (EIR) No. 432080, the Initial Study prepared for the Meadowood II project, and any comments received, have been reviewed and considered by the Council;

Adopting the project-specific Mitigation, Monitoring, and Reporting Program, or alterations to implement the changes to the project as required by this Council in order to mitigate or avoid significant effects on the environment, pursuant to State California Environmental Quality Act (CEQA) Guidelines Section 15177(d), a copy of which is attached hereto as Exhibit A;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the project.

**NOTE:** Subitem A is not subject to the Mayor's veto.

Subitem-B: (R-2017-6)

Adoption of a Resolution adopting the findings with respect to Planned Development Permit No. 1511587 and Site Development Permit No. 1644625, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Planned Development Permit No. 1511587 and Site Development Permit No. 1644625 to Robert D. Barczewski, as Trustee under Declaration of Trust dated August 10, 1997, Owner, and Hall Land Company Inc., Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

**NOTE:** Subitem B is not subject to the Mayor's veto.

Subitem-C: (R-2017-5 Cor. Copy)

Adoption of a Resolution adopting the findings with respect to Vesting Tentative Map No. 1511589 and Public Right-of-Way Vacation No. 1644628, which are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference;

Vacating approximately 736 square feet of a 60 foot wide easement dedicated for public street and the easterly portion of Old Survey 57 (Black Mountain Road) that runs along the entire western property line, located within the project boundaries as shown in Vesting Tentative Map No. 1511589, contingent upon the recordation of the approved Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference;

Granting vesting Tentative Map No. 1511589 and Public Right-of-Way Vacation No. 1644628, to Robert D. Barczewski, as Trustee under Declaration of Trust dated August 10, 1997, Subdivider, and Hall Land Company Inc., Permittee, subject to the attached conditions which are made a part of this Resolution by this reference.

**NOTE:** Subitem C is not subject to the Mayor's veto.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

None with this action.

Lowe/Graham/JP

Primary Contact\Phone: Jeffrey A. Peterson\619-446-5237, MS 501

Secondary Contact\Phone: William Zounes\619-687-5942, MS 501

City Attorney Contact: Thomas, Shannon



**The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-332: Appeal of the Environmental Determination for 3452 Hancock Medical Marijuana Consumer Cooperative (MMCC) Amendment, Project No. 470362. (Midway Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption for an amendment to a Conditional Use Permit (CUP) to increase the square footage from 832 square feet to 1,503 square feet. This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) on May 12, 2016. The scope of the subject hearing only includes the environmental determination not the CUP. The site located at 3452 Hancock Street is in the IS-1-1 Zone, Airport Influence Area, (San Diego International Airport), Coastal Height Limitation Overlay Zone within the Midway/Pacific Highway Corridor Community Plan Area and Council District 2.

**TODAY'S ACTION IS:**

Take the following actions:

According to San Diego Municipal Code Section 112.0520(d) Power to Act on Appeal. The City Council shall consider the appeal and may:

(1) By a majority vote, deny the appeal, approve the environmental determination that the project is exempt from California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15303 (Existing Facilities); or

(2) By a majority vote, grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter;

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing.

**NOTE:** This item is not subject to the Mayor's veto.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None. All costs associated with processing of this project are paid through a deposit account by the applicant.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

Vacchi\Graham\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501  
City Attorney Contact: Thomas, Shannon

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**